

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6292 of 2020**

- Milan Koshle, S/o Sakharam Koshle, Aged About 25 Years, R/o Padampur, Police-Station-Jarhagaon, District-Mungeli, Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Police Station Pathariya, District-Mungeli Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Pallav Mishra, Advocate.        |
| For State/respondent | : Mr. Vimlesh Bajpai, Govt. Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**27/10/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.406/2019 registered at Police-Station-Pathariya, District-Mungeli(C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 10.6.2020. No case is made out against the applicant. The

prosecutrix has given statement under Section 164 CrPC, which reflects her consent and willingness for residing with the applicant. The other allegation made by the applicant are false and baseless, which is clear from the medical report of the prosecutrix. The complainant and the prosecutrix both have no objection in grant of bail to the applicant, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of prosecutrix was only 15 years and 6 months at the time of incident, therefore, any consent or willingness on her part is immaterial, hence, application be rejected.
4. The complainant Kanhaiya Bhargawa is present before this virtual Court through the "Help Desk" of the High Court of Chhattisgarh with his counsel Mr. Gyaneshwar Netam. He has made statement that he has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and then he exploited her sexually which amounts to commission of offence of rape, regarding which FIR has been lodged.
7. Considered on the submissions and also the facts of the case. The statement of no objection made by the complainant, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on

furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

Nisha